

REMARKS/ARGUMENTS

Claims 1-23 are currently pending. Applicants have amended claims 1, 7 and 15 and have canceled claim 3, 8 and 16. Applicants submit that no new matter has been inserted into the application as a result of these amendments.

Claims 1-5, 8-13, 15-17, 19-21, and 23 stand rejected under 35 U.S.C. 102(b) as being anticipated by Benyassine et al. (US Patent No. 6,721,712)(hereinafter "Benyassine"). Claims 6, 7, 14, 18, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benyassine in view of Mizusawa et al. (US Patent Publication No. 2002/0037002)(hereinafter "Mizusawa").

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-5, 8-13, 15-17, 19-21, and 23 stand rejected under 35 U.S.C. 102(b) as being anticipated by Benyassine.

Solely in order to expedite prosecution, claim 1 has been amended to include the limitations formerly recited in claim 3, claim 7 has been amended to include the limitations formerly included in claim 8, and claim 15 has been , and claims 3, 8 and 16 have been canceled. It is to be understood that the amendments to claims 1, 7 and 15 have been made to pursue a speedy allowance and not as a concession on the merits of the rejections.

Applicants submit that Benyassine fails to anticipate independent claims 1, 7, 11, 15, and 20. For example, claim 1 recites, in part:

a device configured to facilitate transmission of audio data frames between the first client and the second client, wherein the device is configured to:

store the audio data frames received from the first client in an intermediate storage area; and

repackage the stored audio data frames into one or more frames for transmission to the second client at the second frame rate

Applicants submit that Benyassine fails to teach at least a device that is configure to store the audio data frames received from the first client in an intermediate storage area and to repackag

the stored audio data frames into one or more frames for transmission to the second client at the second frame rat as recited in claim 1.

Benyassine is merely directed a system for facilitating communications between discontinuous transmission (DTX) and non-DTX coding systems comprising a conversion module that is configured to receive a frame of a first speech signal at a first non-speech rate and to re-encode the received frame at a second or third non-speech rate. See Benyassine, Abstract and Fig. 1.

Applicants submit that Benyassine is silent as to storing the audio data frames received from a first client in an intermediate storage area and repackaging the stored audio data frames into one or more frames for transmission to the second client at the second frame rat as recited in claim 1. The Office Action relies upon the memory elements described in the col. 3, lines 44-45 of Benyassine to teach this feature of claim 1. However, the cited portion of Benyassine merely indicates that embodiments of the system described Benyassine may include various integrated circuit components, such as memory elements. Benyassine, col. 3, lines 44-45. Benyassine is silent as to using these or other memory elements to provide an intermediate storage area for storing audio data frame received from a first client as recited in claim 1.

In Benyassine, a conversion module (130, 230) is interposed between a DTX communication device and a non-DTX communication device. In embodiments of Benyassine where a non-DTX communication device is transmitting voice data to a DTX communication device such as in Fig. 1 of Benyassine, conversion module 130 merely receives frames of data from the non-DTX communication device, selectively forwards frames of data comprising voice data to the DTX device, and discards frames of data that contain redundant background noise information and frames of data that have encoded silence, because these frame are not needed by the receiving device to reconstruct the voice data. See Benyassine, col. 6, lines 2-26. In embodiments of Benyassine where a DTX device is transmitting voice data to a non-DTX device such as in Fig. 2 of Benyassine, conversion module 230 merely receives frames of data from the DTX device and forwards the frames of data to the non-DTX device. Conversion module 230 may also insert additional frames of data into the stream of data being transmitted to replace

frames of data dropped by the DTX device, such as frame containing redundant background noise information and frames of data representing silence where no voice data is encoded. See Benyassine, col. 9, lines 6-28. In neither these configurations, does the conversion module store the voice data in an intermediate storage area as recited in claim 1.

Therefore, Benyassine fails to anticipate claim 1 for at least the reasons provided. Benyassine also fails to anticipate independent claims 7, 11, 15 and 20 for similar reasons as claim 1. Furthermore, dependent claims 2, 4 and 5, which depend from claim 1, claims 9 and 10, which depend from claim 7, claims 12-14, which depend from claim 11, claims 17 and 19, which depend from claim 15, and claims 21 and 23, which depend from claim 21.

Accordingly, Applicants respectfully request that the rejection of claims 1-5, 8-13, 15-17, 19-21, and 23 be withdrawn.

Rejections under 35 U.S.C. §103

Claims 6, 7, 14, 18, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benyassine in view of Mizusawa.

Claim 6 depends from claim 1, claim 14 depends from claim 11, claim 18 depends from claim 15, and claim 22 depends from claim 20, and the rejection of claim D is premised on the assertion that Benyassine discloses the features recited in claims 1, 11, 15 and 20 and Mizusawa discloses or suggests the remaining features of claims 6, 14, 18, and 22. As discussed above, however, Benyassine does not disclose or suggest all features recited in claims 1, 11, 15 and 20. As best understood, Mizusawa provides no teaching or suggestion that would remedy this deficiency. Furthermore, independent claim 7 should also be allowable for similar reasons as claims 1, 11, 15 and 20.

Accordingly, Applicants respectfully request that the rejection of claims 6, 7, 14, 18, and 22 under 35 U.S.C. §103 be withdrawn.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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